

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT JAMES MORGAN,

Plaintiff,

Case No. 1:17-CV-206

v.

HON. GORDON J. QUIST

GEORGE JOHNSON, et al.,

Defendants.

ORDER ADOPTING
REPORT AND RECOMMENDATION

On February 26, 2018, Magistrate Judge Kent issued a Report and Recommendation (R & R) recommending that the Court deny Defendants Harbaugh and Aiken's motion for summary judgment based on Plaintiff's lack of exhaustion and deny Defendants Johnson, Papendick, and Lindhout's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). The R & R was duly served on the parties on February 26, 2018. No objections have been filed pursuant to 28 U.S.C. § 636(b). Therefore the Court will adopt the R & R.

Therefore,

IT IS HEREBY ORDERED that the February 26, 2018, Report and Recommendation (ECF No. 40) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants Harbaugh and Aiken's Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 22) and Defendants Johnson, Papendick, and Lindhout's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 25) are **DENIED**.

Dated: March 26, 2018

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE